

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CHARLES BRETT, BUILDING INSPECTOR
OF THE TOWN OF HAMILTON,
Plaintiff,

V.

IRINA V. TEMKINA,

Defendant.

C.A. No. 05-11542 RGS

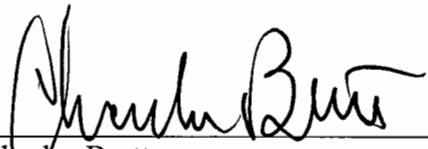
AFFIDAVIT OF CHARLES BRETT

1. I, Charles Brett, am the Building Inspector of the Town of Hamilton, Essex County, Massachusetts. This affidavit is submitted in compliance with the Court's Order dated August 17, 2005.

2. The only amount in controversy is that which may be awarded by the court as fines permitted by statute or town by-law. Pursuant to Section VIII.G of the Hamilton Zoning By-law, violations of a provision of the by-law are subject to a fine of \$100 for each day of violation. A true and accurate copy of this portion of the zoning by-law is attached. Pursuant to Mass. Gen. L. c. 143, § 94(a), a fine of \$1,000 a day may be assessed for each violation of the state building code.

3. As accrued from the date alleged in the Verified Complaint to be the first day of violation, consecutively without interruption to the date of filing the Verified Complaint in the Essex County Superior Court, and treating all of the violations of the state building code as just one violation, the potential fines are as follows:

Violation	Date of observation of first violation	Potential amount of fine accrued to date of filing of Verified Complaint (7/6/05)
Illegal two family in single family residential district in violation of zoning by-law violation @ \$100.00 a day	8/18/04	\$32,200.00
Property defects in violation of state building code @ \$1,000.00 a day	8/18/04	\$322,000.00

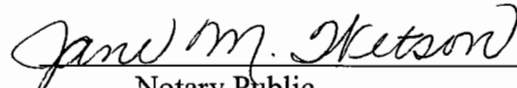

Charles Brett

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

August 25, 2005

Then personally appeared before me the above-named CHARLES BRETT, known personally to me to be the person whose name is signed on the preceding document, and acknowledged his execution of the foregoing instrument to be his free and voluntary act and deed for its stated purpose.


Notary Public
My Commission Expires:

6134.22/361532

Jane M. Wetson
NOTARY PUBLIC
My commission expires June 11, 2010

HAMILTON ZONING BY-LAW

2. Section 16 of Massachusetts General Laws Chapter 40A governing repetitive appeals and applications for variances and special exceptions is hereby accepted by the Town of Hamilton.

G. Violations and Penalty

Whoever violates any provision of this By law may be punished by a fine not exceeding one hundred dollars for each offense. Each day or portion thereof that such violation continues shall constitute a separate offense.